

DIST/OFFICE	DOCKET NUMBER	FILING DATE MO. DAY YEAR	J	N/S	O	R	R 23	26	DEMAND OTHER	JUDGE NUMBER	JURY DEM.	DOCKET YR. NUMBER
1085/4	75- 0280	07-03-75	4	190	1	31			declaratory judg. & injunction	8509	P	75-0280-B

PLAINTIFFS

J. Scott GASSAWAY and ANCHOR PAD
WEST, INC., a California corporation

DEFENDANTS

APC, INC., an Oklahoma corporation,
STANLEY W. CEBUHAR,
WILLIAM J. O'CONNOR,
~~G. RICHARD DAWES, individually~~
~~and doing business as Anchor~~
~~Pad East, Anchor Dyne Corporation~~

CAUSE

Relief being sought under 28 USC Sec. 2201, declaring license terminated
by terms and by breach and for damages based on royalty provisions and
reimbursement conditions. 28 Sec. 1332.

ATTORNEYS

E. John Eagleton *583-2131*
Rooney McInerney
Houston, Klein, Inc.
~~404/S./Boston~~ 900 Sooner Federal Bldg.
Tulsa 74103

~~G. Richard Dawes dismissed~~
~~2425 Wilson Blvd.~~
~~Arlington, Virginia-22201~~
~~P. O. Box 16106~~
~~Wash., D. C. 20023~~

SPECIAL MASTER
Royce Savage
201 West 5th
Tulsa, OK 74103

Jerry Dunlop (APC, Cebuhar &
Suite 510 O'Connor)
Fidelity Plaza Building (Dawes &
Okla. City 73102 Anchor Dyne
(405-239-7064)

172-7241 O'Connor)
John C. Andrews (APC, Cebuhar &
Andrews, Mosburg, Davis, Elam,
Legg & Bixler (Dawes & Anchor Dyne)
Midland Center
Oklahoma City, Oklahoma 73102

John M. Freese *all depts*
700 Mid-Continent Building
Tulsa, Oklahoma 74103 *582-3164*

☐ CHECK
HERE
IF CASE WAS
FILED IN
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FILING FEES PAID

DATE	RECEIPT NUMBER	C.D. NUMBER

STATISTICAL CARDS

CARD	DATE MAILED
JS-5	8-1-75
JS-6	10-1-77

DATE	NR.	PROCEEDINGS
7-3-75	1.	Complaint, filed. rm
7-3-75	2.	Motion of pltf. for temporary, injunction, filed. rm
7-3-75	3.	Order, filed, setting hearing on mo/prel. inj. & requiring defs. to show cause, set for 10 a.m., 7/21/75. (HDC for AEB-J)rm
7-3-75		Summons issued on complaint and Order. rm
7-9-75	4.	Order re-setting hearing on mo/prel. inj. & requiring defts. to show cause, filed, setting hearing at 10:00 a.m. on 7-17-75. (AEB-J)hm (copies mailed by pltf. counsel)
7-15-75	5.	Order Re-setting hearing on mot/prel. inj. & requiring Defts. to show cause, filed, setting hearing on 8-28-75, at 10:00 A.M.(AEB-J) (cps mld) b
7-17-75		Summons, ret. & filed: served Stanley W. Cebakar, Tulsa, Ok. 7-7-75; <u>unserved</u> as tp C. Richard Dawes individually and as Anchor Pad East and Anchor Dyne Corporation. (USM \$8.64)g Served William J. O'Connor and APC, Inc., Ok. City, on 7-7-75. (USM \$17.20)g
8-1-75		Summons, ret. & filed: served C. Richard Dawes by serving John Benton Livingston, V-P., Secor Corp., Arlington, Va. 7-29-75; <u>unserved</u> as to C. Richard Dawyes at 830 A N. Stuart St., Arlington, Va. (USM \$14.64)g
8-27-75	6.	Answer of Defendants APC, Inc., Stanley W. Cebuhar & William J. O'Connor, filed. mm
8-27-75	7.	Motion for Change of Venue of Defendants APC, Inc., Stanley W. Cebuhar & William J. O'Connor, filed. mm
8-27-75	8.	Brief in Support of Motion for Change of Venue, filed, w/ aff. of O'Connor. mm
8-27-75		MO: It is ordered by the Court that the plaintiff file a responsive brief within 10 days to the Motion for Change of Venue of defendants APC, Inc., Stanley W. Cebuhar & William J. O'Connor. (AEB-J) cps mld mm
8-28-75	9.	Plaintiff's Mot. to Dismiss Application for Preliminary Injunction, filed. v
8-28-75	10.	Order, filed, dismissing application for preliminary injunction set on Court's docket for 8-28-75. (AEB-J)v -cps mld.
9-8-75	11.	Pltf's Brief in Opposition to Deft's Motion for Change of Venue, filed. lm
9-12-75		Alias Summons returned and filed: Served Anchor Dyne Corp. by serving Wanda Laughlin on 9-8-75, Alexandria, Va. (USM \$3.00); served C. Richard Dawes by serving Wanda Laughlin on 9-8-75 (USM \$6.16)lm
9-29-75	12.	Defts. Dawes and Anchor Dyne Corp. Motions to Dismiss for Lack of Jurisdiction and Improper Venue, filed. lm
9-29-75	13.	Memorandum by Defts in Support of Their Motions to Dismiss for Lack of Jurisdiction and Improper Venue, filed. lm
9-29-75	MO	Ordered by the Court that pltf's. are granted ten days from this date to file a responsive brief to defendants motions to dismiss for lack of jurisdiction and improper venue. (AEB-J)lm ltrs mld.
9-30-75		DEP of Stanley W. Cebuhar taken on behalf of pltf's before Lynne L. Brown (CSR) \$75.00. lm
9-30-75		DEP of Wm. J. O'Connor taken on behalf of pltf's before Lynne L. Brown (CSR) \$97.50. lm
11-14	MO	Case referred to Magistrate Bradford for F&R re all pending mots. (AEB-J)k

PLAINTIFF		DEFENDANT	DOCKET NO. <u>75-C280</u>
J. Scott Gassaway & Anchor Pad West, Inc. A Calif. Corp.		APC, INC., an Okla. Corp. Stanley W. Cebuhar William J. O'Connor, and C. Richard Dawes, d/b/a Anchor Pad East.	PAGE <u>3</u> OF <u>2</u> PAGES
DATE	NR.	PROCEEDINGS	
1975			
12-29	14	Notice of taking Depo., of Mr. Al Johnson, filed.tc	
12-29	15	Notice of taking Depo., of Mr. Lloyd Johnson, filed.tc	
12-29	16	Notice of taking Depo., of Mr. L. R. Luppen, filed.tc	
1-19-76	MO:	Case set for hrg. before Mag. on 2-18-76 at 9:00 a.m.(MLB-Mag)ph cpy by KT	
2-2-76	17	Stipulation of Dismissal, on C. Richard Dawes & Anchor Dyne Corporation filed and entered.(AEB-J)t cps. mld.	
2-18	MO	Case called for hrg. before Mag. Bradford on motions. Parties present. Defts. APC, Inc., Cebuhar & O'Connor's Motion for change of venue denied. Defts. Dawes & Ancho Dyne Corp.'s Motions to dis- miss for lack of jurisdiction & improper venue denied per stipulation of dismissal filed 2-2-76. Pltf. counsel to prepare F&R and proposed order w/in 5 days. (MLB-Mag)k	
2-25	18	Findings & Recommendations of Mag., filed. Recommends mot. for change of venue be overruled. (MLB-Mag)k cps mld 070 2 3-7	
3-10	19.	Order, filed, overruling mot. of APC, Inc., Cebuhar & O'Connor for change of venue. (AEB-J)k cps mld	
3-24		Deposition of Lloyd Johnson, filed, ph	
3-24		Depositions of Luppe Ridgway Luppen, Luppe H. Luppen and James S. Gassaway taken before Stan Trager & Associates (CSR).lm	
4-5	--	Deposition of Witness Edward Wm. Brannaker, on behalf of Defts., before Madeleine Leach, Reporter, on 2-17-76, filed. v	
4-15	MO	Parties are directed to hold PT conf. or before 5-27-76 & file PT Order on or before 6-3-76. (AEB-J)k cps by cert ml	
4-22	20	Entry of Appearance of John M. Freese for Defts., filed.t	
5-5		Depos of Douglas M. Archibald, James C. Bennett & A. F. Osterloh, III, taken before Stan Trager & Associates CSR L.A. Calif. filed.t	
6-3	21.	Stipulation for ext. of time to prepare PT order, filed. ph 0 10 1 15	
6-4		Order ext. time to submit pretrial Order to 6-11-76. (AEB-J)g cp mld	
6-17	MO	Case is set for disposition on 7-12-76, 11:00 a.m. for failure of parties to file P/T order due 6-11-76.(AEB-J)b nts by cert ml	
6-25	22.	Defts' applic. for leave to file amended answer, filed. b 0 to J	
7-12		Case called for disposition for failure of parties to file P/T order. Parties represented. Parties request add'l time to work on settlement. Ct. allows. If settlement not reached, amended answer due on 8-1-76. Deft. applic. for leave to file amended answer moot at this time.(AEB-J)b	
8-19	23	Defts' Amended Answer & CROSS-COMPLAINT, Filed. b	
9-21	24.	Pltf's motion to enlarge time in which to file answer, filed. lm 0 10 1 15	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT		DOCKET NO. 75-C-280-B
J. SCOTT GASSAWAY, et al		APC, INC., et al		PAGE 4 OF 2 PAGES
DATE	NR.	PROCEEDINGS		
<u>1976</u>				
9-23	25.	Order, filed, granting pltfs. until 10-4-76 to ans. (AEB-J)ph cps mld		
10-4	26.	Pltfs' reply to amended answer and answer to cross complaint, filed.s		
10-18	MO:	Parties are directed to hold PT conf. on or before 11-29-76 & file PT Order on or before 12-6-76. (AEB-J)k cps by cert ml		
10-15	27.	Pltf's motion for leave to file amendment to complaint, filed.s O to J		
10-19	28	ORDER, filed, granting leave to amend Complaint (AEB-J)lm cps mld		
10-19	29.	Pltfs' amended complaint, filed.k cps mld		
11-5	30	Defts' application for ext. of time for PT order to be filed, filed. s O to J		
11-8	31.	Order, filed, granting parties til 12-31-76 to complete discovery, hold pre-trial conf. & to submit proposed pre-trial order. (AEB-J)k cps mld		
<u>1977</u>				
1-7	32.	Pre-trial order, filed.(AEB-J)rm-copies mailed by pltf. counsel		
1-7	33.	Deft's notice to take depositions of J. Scott Gassaway, Mark Gassaway & Paul Gassaway, at Los Angeles, CA, on 1-17-77, and of Luppie Luppen, Ridgeway Luppen & Earl Smith, at Los Angeles, CA, at conclusion of first depositions, filed. Deposition of Dennis Burke to be taken at Phoenix, AZ, on 1-19-77.k		
1-11	34.	Notice to take depositions of Messrs. J. Scott Gassaway, Mark Gassaway and Paul Gassaway, in Los Angeles, CA, beginning 1-18-77; then the depos. of Messrs. Luppie Lupen, Ridgeway Luppen and Earl Smith will be taken; and then Dennis Burke will be deposed. v		
1-20	MO:	Case set for jury trial on 2-22-77, at 10:00 A.M.(AEB -J)b nts by cert ml w/affid.		
2-10	35.	Parties' application to strike jury trial set on 2-22-77 at 10:00, filed.s O to J		
2-11	36.	Order, filed, striking case from 2-22-77 trial docket. To be reset on next jury docket. (AEB-J)k cps mld		
2-25	MO	Case set for jury trial on 3-21-77 at 10:00 a.m. (AEB-J)k ntc by cert ml w/ affidavit		
3-7	MO:	Case moved to 3-14-77, at 9:30 A.M. for Jury Trial.(AEB-J)b nts by phone		
3-8	37	Parties waiver of jury. fld. ho		
3-11	MO:	Upon the parties filing a waiver of Jury, IT IS ORDERED that this case is stricken from the jury docket set for 3-14-77, to be referred, by agreement of parties to Royce Savage as Special Master. Order of the Court on the Special Master will be entered by March 15, 1977.(AEB-J)b nts by phone		
3-18		Deposition of Paul Marshall Gassaway, Earl V. Smith, Luppe Ridgeway Luppen, Paul Gassaway, Mark Miller Gassaway, & Luppe H. Luppen. fld. Vol. I & II in two containers. taken by John Markham Freese, Esq. Reported by Miriam Polk, CSR No. 731. ho		
3-18		Deposition of James Scott Gassaway, fld. Vol. I & II in one container. Taken by John Markham Freese, Esq., Reported by: Frances M. Hermstad, CSR No. 2851. ho		

CIVIL DOCKET CONTINUATION SHEET

Barrow

PLAINTIFF		DEFENDANT	DOCKET NO. 75-C-280-B
J. Scott Gassaway & Anchor Pad West		APC, Inc., et al	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
1977			
5-11	38	Order, filed, Referencing case to Special Master Royce Savage, (AEB+J)b cps mld	
6-14	MO	Case set for pre-trial conference on 6-30-77 at 9:30 a.m. before Special Master. (RHS-Sp. Mas)k ntc mld	
6-30		Pre-trial conf. held before Sp. Master. Counsel present. statements made re issues. Parties set out addl. witnesses they intend to call. Sp. Master advises no tort action involved. Trial will cover question of royalties for pltf. and lost profits for deft. on counterclaim. Accounting questions to be solved in 2nd phase of trial. Deft. directed to prepare amended pre-trial order. Trial set for 7/20/77 at 9:30 a.m. (RHS-Sp. Master)rm (unreported)	
7-6		Trial notices sent to counsel. rm	
7-8	39.	Notice by pltf. of taking oral deposition of Paul Beebe in Okla. City on 7/13/77, filed. rm	
7-20	--	Case called for non-jury trial before Special Master Royce H. Savage. Parties announce ready. Statements made of disagreements in amended pre-trial order. Stip. of parties re depositions filed in open ct. Parties make opening statements. Deft. mo/dismiss overruled; exception allowed. Deft. trial brief filed in open ct. Pltf. presents first adverse witness. Ct. recesses to 9:30 a.m., 7/21/77.(RHS-Sp.Master)rm	
7-20	40.	Stipulation of parties re deposition, filed in open ct. rm	
7-20	41.	Deft. trial brief, filed in open ct. rm (RHS has orig.)	
7-21	--	Non-jury trial contd. Parties present & rep. First Amended PT Order signed and filed in open ct. Pltf. continues case in chief with testimony of witnesses. Deposition of Lloyd Johnson admitted into evidence. Trial exhibits admitted. Ct. recesses to 10:15 a.m., 7/22/77.(RHS-Sp.Master)rm	
7-21	42.	First amended pre-trial order, filed.(RHS-Sp.Master)rm (bound exhibits	
7-22	--	Non-jury trial contd. Parties present & rep. Pltf. continues case in chief w/testimony of witnesses. Copies of depositions of Paul Beebe and R. W. Oldham admitted into evidence, pending filing of originals. Ct. recesses to 7/25/77 at 9:30 a.m.(RHS-Sp.Master)rm	
7-25		Depo. of Robert Oldham, fld., taken of behalf of Pltf. before Sandra L. White, LSR, on 7-13-77 w/fees of \$80.00 paid by Pltf. ho	
7-25	---	Non-jury trial contd. Parties present & rep. Parties announce they are negotiating settlement. Upon agreement of parties, trial recessed to 8/31/77 at 10 a.m.(RHS-Sp.Master)(Linda Walker-CR)rm	
7-25	43	Statement of authorities of pltf., filed. rm	
8-31	----	Case called for settlement conf. Parties announce settlement and purchase agreement entered into. Parties move for order of dismissal. Special Master to enter recommendation to Chief Judge and Judge Barrow to enter final order of dismissal as to orig. action and counterclaim. Pltf. directed to prepare proper recommendation and order.(RHS-Sp.Mstr)rm (Linda Walker-CR)	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. <u>75-C-280-B</u>
J. Scott Gassaway	APC, Inc.	PAGE ____ OF ____ PAGES

DATE	NR.	PROCEEDINGS
9-19-77	44.	Findings and recommendations of Special Master, filed. rm (0 to AEB)
9-20	45.	Appl. of pltfs. for dismissal w/prejudice, filed, rm. (0 to AEB)
9-20	46.	Appl. of defts. for dismissal w/prejudice, filed. rm (0 to AEB)
9-20	47.	Order, filed, adopting and confirming F&R of Special Master.(AEB-J)rm copies mailed
9-20	48.	Order of Dismissal w/prej. as to pltf. appl., filed and entered.(AEB-J) copies mailed
9-20	49.	Order of Dismissal w/prej. as to defts. appl., filed and entered.(AEB-J) copies mailed
<u>1980</u> 7-28	--	DEPOSITIONS & EXHIBITS returned to parties. hm

10-21-77 Pltf. Picked up Depos.